

3617 *Patricia Lewis*  
45/letter  
Exhibit  
attack  
12/28/00

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December 27, 2000

ROBERT C. KLINE \*  
COUNSEL

**HAND CARRY**

Commissioner for Patents  
Washington, D.C. 20231

**ATTN: EXAMINER AVILA (GROUP 3617)**

Re: Reissue Appln. No. 09/613,154

Dear Sir:

Please find enclosed a Protest Under 37 C.F.R. § 1.291 To Patentee's Application For Reissue Of U.S. Patent No. 5,979,350. The Protest originally was hand carried to the U.S. Patent and Trademark Office on October 27, 2000, as evidenced by the enclosed postcard receipt, but apparently has been lost. A second copy was hand carried to the U.S.P.T.O. on December 22, 2000, but that copy was left in the mail room because nobody was present in Group 3617 to receive it. Because the Protest was originally filed within the 2-month period prescribed by 37 C.F.R. § 1.176, the undersigned requests that the Examiner consider the Protest in his examination of the above-identified reissue application.

If you have any questions, please contact me in our Washington, D.C. office at (202) 530-1010. Thank you for your attention to this matter.

Respectfully submitted,

FITZPATRICK, CELLA, HARPER & SCINTO

By:

*John Behringer*  
John W. Behringer  
Reg. No. 23,086



~FIVED

DEC 2 2000

TO 3600 MAIL ROOM

# HAND CARRY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 10/27/00  
Mo. Day Yr.

Atty. Docket 2473.50020

Application No. 09/613,154

**RECEIVED**

OCT 27 2000

**GROUP 3600**

Sir:

Kindly acknowledge receipt of the accompanying:

- Response to Official Action.
- Check for \$ \_\_\_\_\_ (claims fee)
- Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- Notice of Appeal and Check for \$ \_\_\_\_\_
- Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
- Claim for priority and certified copies of \_\_\_\_\_ priority applications
- Issue fee transmittal and Check for \$ \_\_\_\_\_

Other (specify) Protest Under 37 C.F.R. § 1.291 To A.S. 5,949,350  
by placing your receiving date stamp hereon and returning to deliverer.

Atty. E.J.H/JWS/tao Due Date 10/27/00  
Mo. Day Yr.

95-0-FOH-S